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| 10/757,323 01/14/2004 Kemal Guler 2879 7599 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORE COLLINS, CO 805277-2400 | 200309423-1 EXAM MADAMBA, G ART UNIT | CLIFFORD B |
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| | ARI UNII | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM mkraft@hp.com ipa.mail@hp.com

Application No. Applicant(s) 10/757.323 GULER ET AL. Office Action Summary Examiner Art Unit CLIFFORD MADAMBA 3692 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 21 December 2007. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-22 is/are pending in the application. 4a) Of the above claim(s) _____ is/are withdrawn from consideration. 5) Claim(s) _____ is/are allowed. 6) Claim(s) 1-22 is/are rejected. 7) Claim(s) _____ is/are objected to. 8) Claim(s) _____ are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are; a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.

1) Notice of References Cited (PTO-892)

Notice of Draftsperson's Patent Drawing Review (PTO-948)

Information Disclosure Statement(s) (FTO/S5/08)
 Paper No(s)/Mail Date _______.

Attachment(s)

Interview Summary (PTO-413)
 Paper No(s)/Mail Date.

6) Other:

5 Notice of Informal Patent Application

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DETAILED ACTION

Status of Claims

1. This action is in reply to the remarks and amendment filed on December 21, 2007.

- Claims 1, 9, 13 and 18 have been amended.
- 3. Claims 1-22 are currently pending and have been examined.

Drawings

 The examiner acknowledges the drawings which the applicant has submitted. The examiner has no objections to the manner by which the drawings have been prepared.

Response to Arguments

 The applicant's arguments filed on December 21, 2007 have been considered but are not persuasive.

The Office has given consideration to the remarks and amendments made to the pending set of claims, but are now considered moot in light of the new grounds of rejection, provided below, for the current listing of claims.

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Claim Rejections - 35 USC § 103

 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- Claims 1-2 are rejected under U.S.C. 103(a) as being unpatentable over Pinker et al., Using
 Transaction Data for the Design of Sequential, Multi-Unit Online Auctions, University of
 Rochester, William E. Simon Graduate School of Business Administration, Computer and
 Information Working Paper Series No. CIS 00-03, October 2001 ("Pinker"), in view of
 Heimermann, U.S. 7,110,976 ("Heimermann"), and further in view of Wurman et al.,
 Specifying Rules for Electronic Auctions, July 11, 2002 ("Wurman").
- Re claim 1 (currently amended), Pinker discloses the limitation of a method of evaluating sequencing rules for a multiple lot auction, comprising:
 - obtaining a next set of bids from a plurality of simulated bidders (page 10, paragraph 1);
 - simulating the multiple lot auction using the next set of bids and a sequencing rule until simulated bidding on all lots is closed (page 9, paragraphs 2-3; page 10, paragraph 1);
 - simulating the multiple lot auction using a different sequencing rule until bidding on all lots is closed (page 2, paragraph 2).

Pinker doesn't explicitly disclose the limitation comprising comparing results of the simulated auctions with both sequencing rules. Heimermann, however, teaches wherein the process

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where comparative analysis is applied to outcomes of prior purchase experience in reverse auctions, in particular, with regard to cost of goods and services purchased (see at least column 36, lines 32-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as disclosed by Pinker, with the method, as taught by Heimermann, for the motivation of deriving cost-effective procurement strategies and a rule-based decision structure of reverse-auction purchasing tactics (see at least Heimermann, column 36, lines 37-43).

Pinker also doesn't explicitly disclose the limitation wherein the sequencing rules determine how closing times for accepting any bids are ordered among each of the lots. Wurman, however, makes this teaching (page 11, paragraph 6; page 12, paragraphs 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as disclosed by Pinker, with the method, as taught by Wurman, for the motivation of specifying the logical conditions that close an auction (Wurman, page 12, paragraph 2).

Re claim 2, Pinker in view of Heimermann in view of Wurman teaches the limitations of claim 1
as described above. Pinker further teaches the limitation wherein simulating the multiple lot
auction with each sequencing rule comprises simulating a multiple lot auction (page 9,
paragraphs 2-3; page 10, paragraph 1).

Pinker doesn't explicitly disclose the limitation wherein the multiple lot auction comprises a reverse auction. Heimermann, however, teaches where an auction may be a reverse-auction-based system (column 3, lines 56-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Heimermann, for the motivation of analyzing situations wherein services and/or goods are procured from suppliers participating in a lowest-price bidding process (see at least Heimermann, column 11, lines 26-33).

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- 10. Ciaims 3-7 are rejected under U.S.C. 103(a) as being unpatentable over Pinker et al., Using Transaction Data for the Design of Sequential, Multi-Unit Online Auctions, University of Rochester, William E. Simon Graduate School of Business Administration, Computer and Information Working Paper Series No. CIS 00-03, October 2001 ("Pinker"), in view of Heimermann, U.S. 7,110,976 ("Heimermann"), in view of Wurman et al., Specifying Rules for Electronic Auctions, July 11, 2002 ("Wurman"), and further in view of Dumas et al., A Probabilistic Approach to Automated Bidding in Alternative Auctions, International World Wide Web Conference, ACM Press, 2002, pp. 99-108, ("Dumas").
- 11. Re claim 3, Pinker in view of Heimermann in view of Wurman teaches the limitations of claim 1 as described above. Pinker doesn't explicitly disclose the limitation wherein simulating the multiple lot auction with each sequencing rule further comprises processing a bid from the next set of bids. Dumas, however, makes this teaching (page 105, column 1, paragraphs 1 and 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Dumas, for the motivation of simulating an auction market.
- 12. Re claim 4, Pinker in view of Heimermann in view of Wurman teaches the limitations of claim 3 as described above. Pinker doesn't explicitly disclose the limitation wherein processing a bid from the next set of bids comprises at least one act selected from a group consisting of recording the bid, resetting a closing time, and permitting each simulated bidder to be informed of the bid being processed Dumas, however, makes this teaching (page 105, column 1, paragraph 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Dumas, for the motivation of simulating an auction market.

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13. Re claim 5, Pinker in view of Heimermann in view of Wurman teaches the limitations of claim 1 as described above. Pinker doesn't explicitly disclose the limitation wherein obtaining the next set of bids comprises determining, for each of a plurality of simulated bidders, whether the bidder is to submit a bid, when the bidder is to submit a bid, and an amount of the bid. Dumas, however, makes this teaching (page 103, column 2, paragraph 5; page 105, column 1, paragraph 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Dumas, for the motivation of simulating an auction market.

- 14. Re claim 6, Pinker in view of Heimermann in view of Wurman teaches the limitations of claim 5 as described above. Pinker doesn't explicitly disclose the limitation wherein, if a simulated bidder submits a bid, the bid is submitted according to a random time interval. Dumas, however, makes this teaching (page 103, column 2, paragraph 5; page 104, column 1, paragraph 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Dumas, for the motivation of simulating an auction market.
- 15. Re claim 7, Pinker in view of Heimermann in view of Wurman teaches the limitations of claim 1 as described above. Pinker doesn't explicitly disclose the limitation wherein simulating the multiple lot auction comprises simulating auction time. Dumas, however, makes this teaching (page 104, column 1, paragraph 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Dumas, for the motivation of simulating an auction market.

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16. Claim 8 is rejected under U.S.C. 103(a) as being unpatentable over Pinker et al., Using Transaction Data for the Design of Sequential, Multi-Unit Online Auctions, University of Rochester, William E. Simon Graduate School of Business Administration, Computer and Information Working Paper Series No. CIS 00-03, October 2001 ("Pinker"), in view of Heimermann, U.S. 7,110,976 ("Heimermann"), in view of Wurman et al., Specifying Rules for Electronic Auctions, July 11, 2002 ("Wurman"), and further in view of Jarvis, U.S. Pub 2004/0006503 ("Jarvis").

- 17. Re claim 8, Pinker in view of Heimermann in view of Wurman teaches the limitations of claim 1 as described above. Pinker doesn't explicitly disclose the limitation wherein comparing results comprises, for each simulated auction, determining a metric selected from a group consisting of total procurement cost of all of the lots in the multiple lot auction, average procurement cost per lot, and mean procurement cost per lot. Jarvis, however, teaches wherein supplier-specific cost measures consisting of total cost, average cost and mean cost are calculated and utilized (paragraphs 11, 13 and 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Jarvis, for the motivation of establishing a cost model which can be used to obtain lower prices (Jarvis, Abstract, lines 4-9).
- 18. Claims 9-13, 18-21 are rejected under U.S.C. 103(a) as being unpatentable over Pinker et al., Using Transaction Data for the Design of Sequential, Multi-Unit Online Auctions, University of Rochester, William E. Simon Graduate School of Business Administration, Computer and Information Working Paper Series No. CIS 00-03, October 2001 ("Pinker"), in view of Wurman et al., Specifying Rules for Electronic Auctions, July 11, 2002 ("Wurman"), and further in view of Jarvis, U.S. Pub 2004/0006503 ("Jarvis").

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 Re claim 9 (currently amended), Pinker discloses the limitation of a storage medium containing code that can be executed by a processor and, when executed, causes the arracessor to:

- select a first sequencing rule that dictates how multiple lots in a multiple lot auction are to be auctioned (page 9, paragraphs 2-3; page 10, paragraph 1);
- simulate a multiple lot auction using said first sequencing rule until bidding on all lots is closed (page 9, paragraphs 2-3; page 10, paragraph 1);
- select a second sequencing rule, simulate the multiple lot auction using said second sequencing rule until simulated bidding on all lots is closed, and evaluate results of the auction (page 2, paragraph 2).

Pinker doesn't explicitly disclose the limitation evaluating results of the auction, wherein the sequencing rules determine how closing times for accepting any bids are ordered among each of the lots. Wurman, however, makes this teaching (page 11, paragraph 6; page 12, paragraphs 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as disclosed by Pinker, with the method, as taught by Wurman, for the motivation of specifying the logical conditions that close an auction (Wurman, page 12, paragraph 2).

Pinker doesn't explicitly disclose the limitation determining a metric for each simulated auction. Jarvis, however, teaches wherein supplier-specific cost measures consisting of total cost, average cost and mean cost are calculated and utilized (paragraphs 11, 13 and 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Jarvis, for the motivation of establishing a cost model which can be used to obtain lower prices (Jarvis, Abstract, lines 4-9).

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- 20. Re claim 10, Pinker in view of Wurman in view of Jarvis teaches the limitations of claim 9 as described above. Pinker doesn't explicitly disclose the limitation wherein the metric comprises a metric selected from a group consisting of total cost of all of the lots in the multiple lot auction, average cost per lot, and mean cost per lot. Jarvis, however, teaches wherein supplier-specific cost measures consisting of total cost, average cost and mean cost are calculated and utilized (paragraphs 11, 13 and 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Jarvis, for the motivation of establishing a cost model which can be used to obtain lower prices (Jarvis, Abstract, lines 4-9).
- 21. Re claim 11, Pinker in view of Wurman in view of Jarvis teaches the limitations of claim 9 as described above. Pinker doesn't explicitly disclose the limitation wherein the code further causes the processor to compare the metrics from the simulated auctions. Jarvis, however, teaches wherein supplier-specific cost measures consisting of total cost, average cost and mean cost are calculated and utilized (paragraphs 11, 13 and 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Jarvis, for the motivation of establishing a cost model which can be used to obtain lower prices (Jarvis, Abstract, lines 4-9).
- 22. Re claim 12, Pinker in view of Wurman in view of Jarvis teaches the limitations of claim 9 as described above. Pinker doesn't explicitly disclose the limitation wherein the code further causes the processor to model behavior of a plurality of simulated bidders. Jarvis, however, teaches wherein modeling behavior of a bidder is one of the objectives of the simulated experiment (page 107, column 1, paragraph 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Jarvis, for the motivation of predicting the

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probability of being successful in an auction with a given bid (Jarvis, page 107, column 1, paragraph 1).

 Re claim 13 (currently amended), Pinker discloses the limitation of a system, comprising simulation of a multiple lot auction using a plurality of sequencing rules (page 9, paragraphs 2-3; page 10, paragraph 1).

Pinker doesn't explicitly disclose the limitation wherein the sequencing rules determine how closing times for accepting any bids are ordered among each of the lots. Wurman, however, makes this teaching (page 11, paragraph 6; page 12, paragraphs 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as disclosed by Pinker, with the method, as taught by Wurman, for the motivation of specifying the logical conditions that close an auction (Wurman, page 12, paragraph 2).

Pinker doesn't explicitly disclose the limitation determining a metric associated with each simulated multiple lot auction, the metric usable to evaluate results of the simulated multiple lot auction. Jarvis, however, teaches wherein supplier-specific cost measures consisting of total cost, average cost and mean cost are calculated and utilized (paragraphs 11, 13 and 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Jarvis, for the motivation of establishing a cost model which can be used to obtain lower prices (Jarvis, Abstract, lines 4-9).

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26.

Pinker doesn't explicitly disclose the limitations comprising a processor; and a storage coupled to the processor and containing an application that is executable by the processor; wherein, when executed, the application causes the processor to simulate a multiple lot auction. However, further apparatus claims would have been obvious in order to perform the previously rejected method claims, and are therefore rejected using the same art and rationale.

- 24. Re claim 18 (currently amended), further apparatus claims would have been obvious in order to perform the previously rejected method claims, and are therefore rejected using the same art and rationale.
- 25. Re claims 19-21, further apparatus claims would have been obvious in order to perform the previously rejected method claims, and are therefore rejected using the same art and rationale.
- Claims 14, 16-17 are rejected under U.S.C. 103(a) as being unpatentable over Pinker et al., Using Transaction Data for the Design of Sequential, Multi-Unit Online Auctions, University of Rochester, William E. Simon Graduate School of Business Administration, Computer and Information Working Paper Series No. CIS 00-03, October 2001 ("Pinker"), in view of Wurman et al., Specifying Rules for Electronic Auctions, July 11, 2002 ("Wurman"), in view of Jarvis, U.S. Pub 2004/0006503 ("Jarvis"), in view of Dumas et al., A Probabilistic Approach to Automated Bidding in Alternative Auctions, International World Wide Web Conference, ACM Press, 2002, pp. 99-108, ("Dumas"), and, further in view of Cooper, U.S. 5,809,282 ("Cooper").

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27. Re claim 14, Pinker in view of Wurman in view of Jarvis teaches the limitation of claim 13 as described above. Pinker doesn't explicitly disclose the limitation comprising incompatible lot auctions. Dumas, however, makes this teaching (page 99, column 2, paragraph 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Dumas, for the motivation of detecting and resolving incompatibilities between auctions.

Pinker doesn't explicitly disclose the limitation wherein the processor prevents a simulated bidder from winning two lots that are incompatible. Cooper, however, teaches the use of IF-THEN rules with specific regard to the setting of conditions or limits in the architecture of a system in a simulation process (column 10, lines 36-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Cooper, for the motivation of meeting or accommodating user-preference requirements (Cooper, column 11, lines 1-4).

28. Re claims 16 & 17, Pinker in view of Wurman in view of Jarvis in view of Dumas discloses the limitation of claim 15 as described above. Pinker doesn't explicitly disclose the limitations wherein the processor eliminates lots from bidding by a simulated bidder if the expected utility gain value for that lot and bidder is less than a threshold; and, if the expected utility gain value for that lot and bidder is less than a maximum value. Cooper, however, discloses the use of IF-THEN rules with specific regard to the setting of conditions or limits in the architecture of a system in a simulation process (column 10, lines 36-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Cooper, for the motivation of meeting or accommodating user-preference requirements (Cooper, column 11, lines 1-4).

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29. Claim 15 is rejected under U.S.C. 103(a) as being unpatentable over Pinker et al., Using Transaction Data for the Design of Sequential, Multi-Unit Online Auctions, University of Rochester, William E. Simon Graduate School of Business Administration, Computer and Information Working Paper Series No. CIS 00-03, October 2001 ("Pinker"), in view of Wurman et al., Specifying Rules for Electronic Auctions, July 11, 2002 ("Wurman"), in view of Jarvis, U.S. Pub 2004/0006503 ("Jarvis"), in view of Dumas et al., A Probabilistic Approach to Automated Bidding in Alternative Auctions, International World Wide Web Conference, ACM Press, 2002, pp. 99-108, ("Dumas").

- 30. Re claim 15, Pinker in view of Wurman in view of Jarvis teaches the limitation of claim 13 as described above. Pinker doesn't explicitly disclose the limitation wherein the processor determines, for each lot, an expected utility gain value for each of a plurality of simulated bidders. Dumas, however, makes this teaching (page 103, column 1, paragraph 3; column 2, paragraph 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Dumas, for the motivation of comparing auctions.
- 31. Claim 22 is rejected under U.S.C. 103(a) as being unpatentable over Pinker et al., Using Transaction Data for the Design of Sequential, Multi-Unit Online Auctions, University of Rochester, William E. Simon Graduate School of Business Administration, Computer and Information Working Paper Series No. CIS 00-03, October 2001 ("Pinker"), in view of Wurman et al., Specifying Rules for Electronic Auctions, July 11, 2002 ("Wurman"), and further in view of Jarvis, U.S. Pub 2004/0006503 ("Jarvis"), in view of Heimermann, U.S. 7,110,976 ("Heimermann").

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32. Re claim 22, Pinker in view of Wurman in view of Jarvis teaches the limitation of claim 18 as described above. Pinker doesn't explicitly disclose the limitation wherein the multiple lot auction comprises a reverse auction. Helmermann, however, teaches where an auction may be a reverse-auction-based system (column 3, lines 56-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the limitation above, as taught by Pinker, with the method, as taught by Helmermann, for the motivation of analyzing situations wherein services and/or goods are procured from suppliers participating in a lowest-price bidding process (see at least Helmermann, column 11, lines 26-33).

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant's amendments necessitated the new ground(s) of rejection presented in this Office action. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be

directed to Clifford Madamba whose telephone number is 571-270-1239. The examiner can normally

be reached on Mon-Thu 7:30-5:00 EST Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz

Abdi, can be reached at 571-272-6702. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

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USPTO Customer Service Representative or access to the automated information system, call 800-

786-9199 (IN USA OR CANADA) or 571-272-1000.

/Clifford Madamba/

Patent Examiner Art Unit 3692

/Kambiz Abdi/

Supervisory Primary Examiner Art Unit 3692

March 10, 2007